THE
INDIAN PENAL CODE
ADDENDA
OF
RECENT DECISIONS UP-TO-DATE.

BY

K. SUBRAMANYA PILLAI, M.A., M.L.

PRINTED AT THE HILAL PRESS,
TINNEVELLY.

1934.

THE INDIAN PENAL CODE

ADDENDA

OF

Recent decisions up-to-date.

Jurisdiction :—The British Court has no jurisdiction over an offender who is a subject of a native state and has committed an offence within his own state. A. I. R (1927) A. 90 = 96 I. C. 655 = 48 A. 687.

A foreigner brought illegally within India is nevertheless subject to the jurisdiction of the British Court, for an offence committed within British India. 112 I. C. 573. Otherwise if the offence was committed outside British India A. I. R. 1933 Sind 333.

For acts which are not offences under the Code, a subject of His Majesty cannot be tried in British India. 47 B. 907 = A. I. R. (1924) B. 51 = 77 I. C. 189. The law of the country of commission governs the nature of the offence,

The terms special or local law do not cover a vast system like the English Common law. 92 I. C. 737 (R)

An act may be an offence under a special law and the general law. In that case the offender may be convicted under either law but if an offence comes strictly under a section of a special Act the more appropriate way is to convict the offender under the special Act (like the Motor Vehicles Act) than under the section of the general law (as Sec. 279 I. P. C.) A. I. R. 1932. All. 69 = 136 I. C. 571.

Grounds of exemption from liability.

If a police officer empowered to arrest under a warrant, arrests a wrong person owing to a mistake of fact he is not liable. A. I. R. (1924) B. 503 = 81 I. C. 370.

MARAIMALAI ADIGAL
MADRAS-1

For an offence under Sec. 361 the accused cannot plead mistake of fact about the age of the girl. A.I.R. (1929) P. 651 = 121 I. C. 477. Mistake of fact can be pleaded by an accused who believed in good faith that the object of his assault was not a living human being but a ghost. A. I. R. (1926) L. 554 = 99 I. C. 71. Mistake of law cannot be pleaded by a Hindu mother-In-law forcing her minor daughter-in-law to marry a person against her will when she is charged under Sec. 366. A. I. R. (1929) L. 713.

Sec. 79 I. P. C. gives protection against conviction while Sec. 132. Cr. P. C. is a protection against trial. 143 I. C. 115.

For the difference between "against the will" and "without the consent" vide A. I. R. 1933. Rang. 98 (F. B.) An act done without the consent of a person is not necessarily against his will. That the Municipality has no right to collect toll is no justification for beating the peon who comes to demand it. A. I. R. 1933. Pat. 144. Under Sec. 99 there was no private defence against a warrant of attachment signed by Deputy Collector instead of by Collector. A. I. R. 1933. Oudh 276. An amin honestly attaching property under a time expired warrant is acting in good faith A. I. R. 1932 Sec. 620. A Tahsildar removing encroachments, when having power to do so is acting rightly A. I. R. 1933 Nag. 295.

Sec. 100. When there is a sudden attack the action of the victim of attack cannot be weighed in golden scales. A. I. R. 1933. Sind. 138. A. I. R. 1933 Lah. 167.

Insanity.

Mere absence of motive is not a sufficient reason for drawing an inference of Mania. A. I. R. (1928)

L. 796 = 106 I. C. 796. Weak inhibitions or weakness of intellect due to physical and mental ailments or an odd temper will not amount to insanity. 11. I. C. 331, 102 I. C. 374, 103 I. C. 59; 120 I. C. 733. Where the accused was insane at the time of committing the offence though knowing he was acting wrongly he may be awarded a lesser sentence. The Local Government may pass such order as clemency may suggest upon satisfactory medical certificate, (46 A. 243); the extraordinary behaviour before committing the offence and the opinion of the medical officer three weeks after, leading to the inference of insanity at the time of committing the act justify an acquital. 22 L. W. 550.

Eccentricity is not insanity. 129 I. C. 323. The use of guns in self-defence where the assailant uses no deadly weapon may amount to excess of the right. 1931 M. W. N. 646. Where there was a quarrel at a meeting of the shareholders of a company and the members going out abusing those within room were charged for a breach of peace, the offence committed is too trivial for a complaint. 56 B. 196. Being driven to desperation on account of starvaton is not becoming insane. 137 I. C. 511. A father killing his three young children must be subject to some mental derangement A. I. R. 1933 Nag. 337.

In 77 I. C. 443 the distinction between the medical and legal standards of sanity are dealt with. From the legal point of view a man must be held to be sane so long as he knows that the offence he is committing is a wrong thing to do. Voluntary intoxication may be adduced to show absence of intent but not of knowledge. (27 L. W. 77).

Drunkenness is no excuse when it has not produced incapacity to form the intent necessary to constitute

the crime. 121 I. C. 452. Habitual Cunja smoker may avail himself of a plan under Sec. 86. A. I. R. (1933) C. 460.

Sec. 84. Mere unsoundness of mind is not a ground of exemption, but for reduction of punishment A. I. R. 1933. Rang. 144.

Triviality.

Falsely accusing a person that he is leading a newspaper by the nose, exchanging petty abuses in the public street and taking away some earth from another's land are of such a trifling nature as not to warrant a complaint. 99 I. C. 347, 94 I. C. 888; 73 I. C. 805. Maxim applicable to this is De Minimis Non-curat Lex.

Private Defence.

A thief caught in the act should not use violence to escape. 120 I. C. 600. The policy of law is not to discourage private defence. (A. I. R. 1930, L. 93). The court may consider a plea of private defence supported by the evidence of the prosecution even where the accused does not plead it. A. I. R. 1927. M. 97.

No. question of self-defence arises where the object of an assembly is unlawful in the outset. 98 I. C. 394, 112 I. C. 902. Under sections 96, 97, 102 to 105 a private citizen may arrest any person who he reasonably apprehends would commit a breach of the peace. (46 M. 605 F. B.) In a sudden fight the extent of the right cannot be calculated accurately. 86 I. C. 218; 100 I. C. 124. Unless there is a presumption of continuance of possession the right of private defence of property cannot be established. The nature and extent of the right is fully discused in 85 I. C. 731. Vide 100 I. C. 383; 98 I. C. 467; 91 I. C. 238.

Where the act of a public servant, as threatening to set fire to reeds belonging to an accused does not cause apprehension of death there is grievous hurt or no right of private defence. 107 I. C. 817. Sec. 99 applies to acts where jurisdiction is wrongly exercised and not where there is absence of jurisdiction. 51 C. 902. Where lathi blows were showered upon a person, he is justified in striking with a spear in self-defence. 110 I. C. 787. Even when a public servant acts under colour of office, absence of good faith justifies self-defence. The plea of private defence may be taken on appeal for the first time. 90 I. C. 400. Against drunken persons who break the law, any member of the public is entitled to exercise private defence within the limits of necessity. 101 I. C. 477. Where there was firing against intended robbery and house-breaking by night it was held to be in due exercise of the right of self defence of property. 115 I. C. 609.

The extent of the right of self-defence depends not on the actual danger but on the reasonable apprehension of the danger. In resisting an attempt to take away one's wife by force the right of private defence extends to causing death to the other party. 81 I. C. 157; A. I. R. (1929) M. 748. Where the assault has assumed a dangerous form, allowance must be made for the exigencies of panic. Where the owner of a stolen property attempts to take not only stolen property but also the property of the thief, the thief is entitled to the right of self-defence. 103 I. C. 798. The words in Sec. 105 "Till the property has been recovered" mean during the retreat of the offender or till the assistance of public authorities is obtained. The retreat of thieves to another village puts an end to the right. 96 I. C. 385.

Weapons may be used in defence of personal property if the aggressors are armed. 14 Pat. L. T. 228; A. I. R. 1933. All. 401.

Abetment.

In abetment the accused must be connected with those steps of the transaction which are criminal. 88 I. C. 13. If a licensed motor driver allows the car to be driven by an unlicensed person who is convicted, the driver cannot be held liable as an abettor 119 I. C. 536. Abetment of Sati is abetment of suicide. A. I. R. 1928 P 497 = 112 I. C. 363. Offering gratification to a public servant to withdraw a charge against a motor driver when prosecution was not pending at the time is not abetment. 64 I. C. 369. Mere assistance in the preparation of an offence not committed is not abetment. 81 I. C. 986. A finding that the substantial offence could not have been committed without the approval and connivance of the accused is not enough to prove abetment. A. I. R. 1931 P. 304. Abetment must be complete before commission. 21 L. W. 19; 26 L. W. 649. Under section 114 circumstances amounting to abetment of a crime must first be proved, and then the presence of the accused at the commission of the crime should be proved in addition. Abetment does not itself involve the actual commission of the offence abetted. 51 C. 197 (P. C.) Where one of the two accused caused an injury in self defence, the other accused is not responsible for it. A. I. R. 1925. L. 370. Where a person is not bound to prevent the commission of an offence, omission to prevent does not make him liable for abetment. A. I. R. 1925. A. 126; A. I. R. 1228. L. 840. Inducing people to form themselves into groups under the orders

of an unlawful association is an offence under Sec. 117. 89 I. C. 462. There may be abetment of murder by preventing the victim's friends from assisting him and by decoying the victims into the clutches of murderers. 104 I. C. 242 & 68 I. C. 17.

Breach of a bye-law under a special Act is not an offence under Sec. 40 I. P. C. And the abetment of it is not punishable under Sec. 109. 115 I. C. 664. 18 I. C. 637. Abetment of on offence under salt law is not punishable under Sec. 117. 128 I. C. 22. This appears to be over ruled by the decision in 55 B. 353. A lawful act may become criminal if it is carried out by criminal means. This applies to picketting 32 Cr. L. J. 478. Lending a motor car, without knowing of its use for abduction is not abetting it A. I. R. 1933 Rang. 297. Leasing a tank for unauthorised fishing is no abetment A. I. R. 1933 Rang. 371.

Under Sec. 111 the offence committed must be a probable consequence of the act abetted. 35 C. W. N. 573. The mere circumstance that the accused presided at a public meeting in which songs inciting to murder were sung is not enough to prove abetment without anymore evidence of positive permission or assent. 36 C. W. N. 191. 36 C. W. N. 722. Posting a leaflet in a public place at dead of night will not amount to abetment if it is immediately removed by the police as the police cannot be classed as the public. 36 C. W. N. 982.

Abetment may be general under Sec. 115. 60 Cal. 427.

S. 114 is evidentiary not punitory; actual presence plus prior abetment can mean nothing else than participation. A. I. R. 1933 Rang. 236.

Threat, Attempt and Harbouring.

Threat to file a complaint against a public servant may not be an injury. 93 I. C. 48. Similarly threatening the institution of civil suit for enforcement of right is not illegal. 92 I.C. 863. If a Municipal Commissioner threatens a butcher that if he bought a cow he would make it impossible for him to live in town he is guilty of criminal intimidation under Sec. 503. A. I. R. 1927 A. 783. If a self-constituted arbitration court threatens to pass a decree exparte against a person if he did not attend the court, it amounts to criminal intimidation although the court cannot execute the threat. 72 I. C. 508. If a person threatens the constable who goes to him when he is under legal surveillance he is guilty under Sec. 189. 58 C. 392. A threat of social boycott in the event of a person continuing trade in foreign cloth is not threat to a man's position or reputation under Sec. 506. 1933 M. W. N. 736 (1).

Attempt.

Preparation consists in devising means necesssary for the commission of an offence. An attempt is to direct movement towards commission after preparation is made 65 I. C. 492; carrying certain quantity of opium for delivery to a person in French territory is only preparation till the French territory is reached 36 L. W. 127.

Harbouring.

Knowledge that the person harboured is liable for a punishment is necessary for conviction under Sec. 212. A. I. R. (1930) A. 33. Knowledge may be inferred from circumstances. 139 I. C. 89. Mere giving of

meals to proclaimed offenders is not an offence, if there is no intention to prevent apprehension: the warrant for apprehension must be legal. 52 B. 151. Under Sec. 216 A the persons harboured need not have committed dacoity. It is enough if they intend to commit one. 871 C. 917. Lending a pony to dacoits to remove the loot is not an offence of harbouring. 83 I. C. 711. Giving false information to Police or assisting the offender to escape from the Police amounts to harbouring. 94 I. C. 141 and 89 I. C. 125.

Offences against Life.

If an immoral wife gives a shameless answer to her husband advising her to be moral it is grievous and sudden provocation. 83 I. C. 482. If a husband discovers his wife in the act of adultery and thereupon kills her he is guilty of culpable homicide not amounting to murder. A. I. R. 1930 C. 199. If a person is beaten so severely as to fracture his legs below the knee and he dies it is culpable homicide not amounting to murder. 130 I. C. 333. If a trespasser is beaten with a formidable weapon and he dies the same offence is committed. 101 I. C. 663. A single blow with a bamboo stick may amount to murder. 65 I. C. 495. If the blow is given with a deadly weapon the intention to murder is presumed. 88 I. C. 995. Grievous injuries which are followed up by Pneumonia and resulting in death may be evidence of murder. If a man kills a woman under the belief that she is a witch who caused illness of his wife and child he is liable to transportation for life rather than the extreme penalty of the law. If a lover kills a girl with a decision to die together, it is within the spirit if not the letter of exception 5, and transportation is the proper sentence. Provocation must be such as to upset not a person of hard temper

but one of ordinary sense and calmness. 96 I. C. 209. Catching the accused by the tuft, taking liberties with a person's sister, and disobedience of an Indian wife, may cause sufficient provocation. A. I. R. 1928. M. 136 A. I. R. 1923. O. 112.

Romonstrance for diverting water from a channel; a step-mother's improper overture to a step-son and a wife's abuse in a low caste where abuse is usual may not cause sufficient provocation. A. I. R. 1924 L. 742 A. I. R. 1930 L. 415. A. I. R. 1930 L. 344.

Striking with a knife in the throat, arsenic poisoning, blow with a dang, and the like raise a presumption. Similarly injuries to lungs, stabbing in the abdomen, violent blows on the head, going armed for robbery and prolonged thrashing may raise a presumption of murder. 193 I. C. 843. If only specific bodily injuries are intended and death was due to shock of the victim, there is only culpable homicide not amounting to murder. 73 I.C. 49. Motive is irrelevant where murder is proved. 100 I. C. 226. The benefit of doubt must be given to the accused where the identification is insufficient. Motive is inadequate when the dying declaration is of doubtful value and no guilty knowledge is proved in a case of poisoning and where death is caused by a gun which went off during the struggle. A. I. R. 1926 L. 41. A. I. R. 1922 L. 55. A. I. R. 1924 L. 70. Information of an accused about discovering the dead body of a victim or of instruments used for the offence is not sufficient to connect him with the commission of an offence A. I. R. 1923 L. 315. A. I. R. 1928 L. 335. Suspicion of wife's conduct is no extenuating circumstance. 30 L. W. 229. Intoxication is not a ground for lesser sentence. 95 I. C. 284. Youth; i. e. age of 19 or 20 and the motive to

revenge aspersions cast on the founder of a religion are not extenuating circumstances A. I. R. 1930 L. 157. Where a girl attempted to commit suicide with her infant child by jumping into a well and the child died, the offence committed is one causing death by negligent omission and not murder. A. I. R. 1925 B. 310.

If a woman administers love potion to her husband who dies, she is not guilty of murder but her act may fall within Section 304 (a) 77 I. C. 801. Kicking a prostrate woman so as to cause instantaneous death will fall under Section 304. 18 L. W. 188. When a student distributes sweets among his fellow-students who show symptoms of arsenic poisoning but he did not know that the sweets contained arsenic, he is not guilty if any of the students dies. 10 L. L. J. 555. When several persons beat a man who dies owing to a shock and the individual blows are not fatal, conviction should be under Section 325 and not under Section 302. 114 I. C. 704. Allowing a snake to bite and causing death is culpable homicide. 64 I. C. 843. If a person causes death by a sudden blow dealt on the spur of a moment he is guilty of culpable homicide, not murder. Where coolies are sleeping on a closed road at night and the motor car was driven at slow speed into the road and it ran over the coolies the act may not be a rash and negligent act. 53 C. 333. An accident in shooting is no offence. A. I. R. 1927 L. 880. Contributing negligence has no place in a case of criminal negligence. 92 I. C. 433. A grievous assault on an old man of seventy so as to break his thigh is so imminently dangerous as to make the offence murder. 1931 M.W.N. 132. If a person kills his wife under grave but not sudden provocation, he cannot claim the benefit of the exception under Section 300. 14 O. L. J. 256.

So also where the provocation is sudden but not grave. 1931 M. W. N. 1137. Where a person stabbed the victim in eight places after the victim had beaten and seized him by the neck, it was held that the case fell under exception 2 to Section 300. 1931 M. W. N. 606. If rival busses collide owing to recklessness and cause death to passengers, the drivers of them are liabe under Section 304 A. 1931 M. W. N. 556. Where a person saw his wife lying in bed with a stranger, got his gun ready and pursued him but without being able to catch him returned to the room where his wife was and shot her he was held guilty under Section 304. 52 A. 1011. (FB). It was held in 58 C. 1138, that the first part of Section 304 A. applies where there is guilty intention and the second part, where there is guilty knowledge. Where the victim was dragged by the accused by force with a rope round his neck for about 50 yards when the victim fell down unconscious and died and the post-mortem examination showed that the death was by strangulation it was held that the accused was liable under Section 357 I. P. C. A. I. R. 1931 L. 275.

Where a person fired a shot at a Circle Inspector with a view to intimidate him the offence does not fall under Section 307. 1931 M. W. N. 861. Where the accused fired two shots from a powerful revolver at point blank range at His Excellency Sir Ernest Hobson acting Governor of Bombay and missed his aim and no injury was caused, he was held guilty under Section 307. A. I. R. 1932 B. 279. Where the superintendent of a jail inflicted a serious injury in the rectum of a prisoner under grave and sudden provocation and the injury caused his death he was held liable under Sec. 304. 136 I. C. 729. Where a woman growing desperate

on account of starvation killed her infant daughter, transportation for life was held to be sufficient punishment. If owing to an injury caused a person dies, the fact that his death could have been averted by proper treatment does not take the case from the operation of Section 399. 9 O. W. N. 655. If two were accused of murder and the evidence showed that either of the accused could have commited the offence it was held the liability of either was not established. That a person belongs to a community free from criminal tendencies like the Brahmin caste is no ground for reducing the penalty for murder. 137. I. C. 691. To overload a lorry is not a rash and negligent act. 137 I. C. 262.

A wound on the neck inflicted with a sharp edged weapon must be considered dangerous to life and therefore grievous hurt. 120 I. C. 431. On the death of a person hurt there is no abetment of the prosecution under Section 323. 44 M. 417. The school master who punished his pupils in a moderate and reasonable manner is protected under Section 70 & 89. 94 I. C. 412. If persons playing cards in a public street assault constables who prohibit them, they are guilty under Section 333 and not murder Section 332. 92 I. C. 889. Where a property is taken in execution under an illegal attachment, it should not be forcibly removed from the custody of the attaching officer without going to court. 83 I. C. 899. Contributory negligence can be considered in mitigation of sentence. 100 I. C. 831. In a case of grievous hurt, lying in the hospital for 20 days is not sufficient unless the person injured was in severe bodily pain or was unable to carry on his normal business during that period. A. I. R. 1931. L. 280. When a son hit his father on the head with

a crowbar forgetting what dangerous weapon he had in his hand under provocation he is guilty of an offence only under Section 324. 1931 M. W. N. 765. If anybody is hit by pure accident no offence is committed. 129 I. C. 193. If a public servant acts in a high-handed manner illegally he cannot avail himself of Section 353. 132 I.C. 711, 132 I. C. 214, 136 I. C. 50.

If a constable informs a person that he was executing a warrant for arrest and the warrant turns out to be invalid the arrest is not valid, even if he can do so without any warrant under Section 54 A.I.R. 1932 Patna 171. If a warrant is complete in itself and exhibits no defect of form it is valid and its execution cannot be resisted even though the executive court made a mistake in issuing the warrant. 13 Pat. L. T. 502.

Causing an incised wound seven and half inches long and three inches broad near the nostril is evidence of intention to commit murder. A.I.R. 1933. Rang. 95. Where the accused himself started a quarrel and he was abused in return provocation is no defence. 142 I. C. 741. Where the victim came in a state of excitement with the intent to use violence against the paramour of his wife and the paramour snatched a lathi from him and struck him on the head which resulted in his death conviction should be under Sec. 304 and not under Section 302. An attack with fists should not be counteracted by stab with a knife. For murder circumstancial evidence may be sufficient for conviction. 142 I. C. 643. Where there is an attack with spears and deadly weapons, there is knowledge of likelihood of fatal injuries received. A. I. R. 1933 Lah. 296.

Youth led astray by reading mischievous literature is no ground for leniency. A. I. R. 1933 Lah. 305.

For conviction under Section 304 A, death must be the direct result of a negligent act without the intervention of another's negligence. A. I. R. 1933 All. 202.

Advising widow to commit Sati is abetment of suicide. A. I. R. 1933 All. 169.

Firing a shot towards the ground shows no intention of causing voluntary hurt although one of the pellets rebounded and struck a person. A. I. R. 1933 Oudh. 269.

An intention to give a child and marry in contravention of the child marriage restraint Act of 1929 is an unlawful purpose within the exception to Section 361. A. I. R. 1933 Rang. 98 (FB)

In a case of death by strangulation where the intention to cause death is doubtful, the benefit of the doubt must be given to the accused. A. I. R. 1933 Lah. 511.

In a case of murder by poison three points must be proved; (1) whether the victim died of the poison in question; (2) whether the accused had the poison in his possession and (3) whether he had an opportunity to administer it to the victim. The evidence of motive is of secondary importance. A. I. R. 1933 All. 394.

Wrongful Restraint and Wrongful Confinement.

SECTION 309 TO 394.

A citizen has a right to arrest a person committing breach of the peace and he is not guilty of wrongful restraint. 44 M 913. Restraining a horse on which a person is riding and preventing him from proceeding

may amount to wrongful restraint. A. I. R. 1927. M. 506. If a tin projection about 7 feet above the ground does not prevent persons from moving below it, putting it up is no offence. A. I. R. 1929. B. 369. Where a person is prevented from using a customary right of way the offence is established only when the right is proved by the prosecution. A. I. R. 1930. C. 760. Obstructing an Izhuva from passing through a public street is an offence under Section 342 A. I. R. 1629 C. 730. Causing a person to be kept in jail during protection order is an offence. 18 L. W. 167. Temporary detention of persons at the Police station for search or investigation does not amount to wrongful confinement.

Under Section 361 the consent of the victim is immaterial. 96 I. C. 874. A person under 18 years of age may be a lawful guardian. A. I. R. 1929 L. 835. Contra 67 I. C. 831. For entrusting, acceptance of the trust is necessary. 126 I. C. 55. If a minor girl of her own accord leaves home and then goes to a person. the person does not infringe the law. 73 I. C. 260. The pledging of a girl for a loan is illegal. But if a girl is retained in the custody of a person, the consent of a lawful guardian thereto does not amount to kidnapping. 119 I. C. 72. Kidnapping is not a continuing offence. 64 I. C. 842. A maternal uncle taking a minor girl from her husband's custody is not guilty of the offence. 73 I. C. 936. Where a Christian mother takes away her children from their father there is no offence. 102 I. C. 209. If a teacher runs away with a boy under 14 so as to place him out of the reach of the father he is guilty of kidnapping. 86 I. C. 428. If a police constable leads a woman to his house by representing to her that he would take her to the

Police station, he is guilty of abduction. 73 I. C. 510. Forcible dragging of a debtor amounts to abduction. 127 I. C. 837. Abduction is a continuing offence. 86 I. C. 71. Where a person kidnapped is held for a ransom only, Section 364 has no application. 91 I. C. 240. Where circumstances show that the victim consented to the act of kidnapping, abduction cannot be proved. A. I. R. 1930 L. 1024. A. I. R. 1931 L. 401. Where illicit intercourse takes place without kidnapping, section 366 has no application. A. I. R. 1932 All. 409, 580. In Section 366 the will referred to is that of the woman and not the will of her guardian. A. I. R. 1932 Cal. 442; 36 Cal. Weekly Notes 49. Under Section 368, knowledge of the fact of kidnapping or abduction is necessary. 8 O.W.N. 1325. Where a married woman is abducted from her husband's home, section 366 has no application. 9 O. W. N. 1181,

In kidnapping, belief as to age and consent of a minor girl is immaterial, but may be considered in mitigation of the sentence. Where the requisite intention is wanting, the offence will fall under 354. 10 L. L. J. 325. Under Section 366 A the inducement must be by a person other than one who seduces the victim. A. I. R. 1930. All. 497. If after inducement for the particular object, the offender offers the girl to several persons no fresh offence is committed. 51 All. 888. The test of lawful guardianship is that the ward should be in a position to apply to the guardian for protection. Where a minor girl ran away from her 'ather's house and the accused directed the girl to a ›rothel, it does not constitute disposal under Section 72. 21 L. W. 472. Under Section 373 possession need ot be obtained from a third person. 45. B. 529.

Offences against property.

THEFT.

SECTION 378 TO 382.

To escape the charge of theft a bonafide claim must be established. A mere colourable pretence to obtain property will not avail as a defence. 81. I.C.185. A bonafide claim cannot be set up when the injunctions of a Magistrate have been disregarded. Where it is difficult to decide a bonafide claim, conviction is not justified. 81 I. C. 34. Fishing in a common tank may be in bonafide assertion of a civil right. 22 L W. 673. As a defence the accused can prove his possession on the day of theft in spite of an order against him under Section 145 Cr. P. C.; A. I. R. 1927. C. 701. Taking away a buffalo from the custody of officers of court is an offence though made under a bonafide claim. For grounds negativing, bonafide claim refer to 119 I. C. 887 Removal of crops in ignorance of a drcree of court is not an offence. 81 I. C. 345. Removal of crops by a person when there is a finding in favour of his possession by a Magistrate is not theft. 72 I. C. 945. If a vendor cancels his sale for non-payment of purchase money and goes into possession of the property he is not guilty of theft as his intention is not dishonest. A. I. R. 1930. B. 481. Removal of crops with knowledge of attachment amounts to theft. 105 I. C. 813. If a tenant takes back from trespassers the fish caught in a pool on his occupancy holding he is not guilty of theft. 127 I. C. 565. If a thing given to repair to an artisan is removed forcibly by the owner after the time stipulated for repair he is not guilty of theft becaus he intends to cause no wrongful loss. 53 C. 174. I bricks lying untouched for eight years be removed ir

the belief that they were abandoned there is no theft. 84 I. C. 435. If the abandonment is not complete there may be theft. 83 I. C. 893.

If certain buffaloes attached under a decree are rescued by their real owners there is no theft. 1633 M. W. N. 110.

Under Section 387 the word 'uses' includes carrying a weapon for threatening victims. 140 I. C. 528. Under Section 395 there may be a dacoity in which there is no violence because there is no resistance. A. I. R. 1933 All. 114. Unless there is entrustment, failure to account is not misappropriation.

Immovable property cannot be the subject of a breach of trust. 1932 M. W. N. 1353.

An agent authorised to lend should not lend to himself without his master's permission. If he does so, he is guilty under Section 409. 1933 M. W. N. 256.

Sending blank sheets of paper in an insured cover purporting to carry money is an offence under Section 415; A. I. R. 1933 Patna 183

Refusing to sign an agreement in consideration of withdrawing certain criminal proceedings may not be an offence under Section 420; A. I. R. 1933 Lah. 215.

Reception without intention to cause injury may not be an offence. A. I. R. 1633 Rang. 114.

Refusing to return property does not come under Section 424; A. I. R. 1933 All. 46.

The taking of property of a debtor by a creditor will amount to theft. A. I. R. 1930 B. 167. Contra 63 I. C. 609, 103 I. C. 847. If a servant takes away the goods of a master and refuses to give them back unless wages are paid he commits theft. A. I. R. 1927 A. 470.

As to rescuing buffalos attached; see 1930 M. W. N. 90. Fish in ponds can be stolen if they could not escape and get elsewhere. 51 M. 333. As to water in possession see 45 A. 680. A person assisting the thief in killing the dead body of a stolen animal is not guilty of theft. 84 I. C. 341. Abstracting paper from a bundle given to the accused for inspection is theft 86 I. C. 671. Theft from a pound cannot be brought under Section 380 unless the pound is a building, tent or vessel. A. I. R. 1927 M. 343. Whether a structure is a building etc. does not depend upon its materials but upon its use. 111 I. C. 459. As to goods taken in execution see 16 L. W. 15. As regards theft of each see 89 I. C. 259. Temporary removal by a correspondence clerk of Government correspondence constitutes theft. 94 I. C. 881.

If standing crops did not pass into the possession of a court because the procedure under order 21 rule 44 was not followed, removing them is not theft. For bonafide claim see 32 Cr. L. J. 354.

Extortion.

SECTION 303 TO 389.

If a man refuses to do a thing which he is not legally bound to do unless money is paid, he is not guilty of extortion. 46 A 81. 79 I. C. 542. Compelling persons to sign an agreement not to sell foreign cloth and obtain fines from them by picketting is an offence under Section 383. 47 A 137. Threatening a person with asking damaging questions in the court unless money is paid is an offence under Section 385.

Robbery.

SECTION 390 TO 402.

In robbery caused by extortion, fear of restraint is the main ingredient. 25 L. W. 86. In sleep restraint

cannot be caused. 109 I. C. 682. If the owners of a house are scared away before the robbers enter the house, even then the offence would be complete. 83 I. C. 705. Firing a shot to keep off a rescue party with a view to facilitate theft by others is part of the offence of dacoity. 89 I. C. 452. If of five persons accused of dacoity, two were acquitted, conviction of the rest should be for robbery and not of dacoity. 102 I. C. 483. For a sentence of robbery, there must be a finding of hurt when committing a robbery. 109 I. C. 810. If a person allows dacoits to assemble in his house and fails to give timely intimation, he is not guilty of dacoity. 81 I. C. 597. Murder committed by dacoits while carrying away stolen property is murder committed in the commission of dacoity under Section 396. 81 I. C. 188. Under Section 397 the person who uses a deadly weapon alone can be convicted. 88 I. C. 456. 51 C. 265. Sticks are deadly weapons. 82 I. C. 45. The word uses in Section 397 includes carrying the weapon for the purpose of overawing the victim 140 I. C. 528. Section 34 of the Code has no application in the construction of Section 398. 52 B. 168.

For the meaning of preparation under Section 399 see 109 I. C. 593. For ingredients of the offence under Section 401, see 73 I. C. 815. For evidence of an offence under Section 400 evidence of being bound down under Section 110 Cr. P. C. is admissible 52 C. 585. Omission to state to the Jury that in robbery violence should be used for the purpose of committing theft is a misdirection 54 M. 588. Even if after abandoning their booty one of the dacoits stabbed one of the pursuers it would amount to murder committed in the course of dacoity. A. I. R. 1932 C. 818. (F B). Under Section 397 'using' includes levelling a revolver

against a person to threaten him. Firing is not necessary. Section 398 applies to a case of an attempt and not to a case of actual commission. 139 I. C. 742. Receiving stolen property from a gang will not amount to being a member of the gang. 138 I. C. 424.

In order that theft may amount to robbery the hurt inflicted must be voluntary. Where an accused in snatching a bundle from a woman caused accidental hurt to her he was held guilty under theft and not robbery. A. I. R. 1933 Lah. 407.

Criminal Misappropriation.

SECTION 403 to 409.

Selling a bull, by a person who knows he has no title to a bullock is misappropriation. A. I. R. 1929 A. 917, but not so, if the owner could not be found even after advertising for over 20 days. A.I.R 1926. A 251.

Specific sums need not be shown in a case of misappropriation. 52 B. 280.

There may be temporary misappropriation. 109 I. C. 236.

Finding a spanner and using it is no misappropriation, if the owner could not be found out. 125 I.C. 712.

Appropriation of sale proceeds of goods without accounting for them is criminal breach of trust or misappropriation. A. I. R. 1928 B. 521. If a licensor of a fair makes entries in receipt books given to him by the licensor of a municipality, he is not guilty of misappropriation. A. I. R. 1930 L. 408.

Even allowing an entrusted thing to be used by another is misappropriation. 92 I. C. 585.

Mere delivery of possession in pursuance of a contract creates no trust and there is no breach of trust if receipt is denied. 91 I. C. 49 A.

Where there can be misappropriation with reference to a thing not moveable is a question. 24 L. W. 603.

Standing teak trees are unmoveable property. 125 I. C. 271.

Immoveable property cannot be the subject of the offence. 1932 M. W. N. 1353. Not rendering accounts will not amount to misappropriation unless dishonest intent is proved. 86 I. C. 213.

Waging contract is not a legal contract. 52 M. L. J. 179.

Entrustment need not be in furtherance of a lawful object. 101 I. C. 890.

Where in an agreement of sale, the property does not pass to the vendee, disposal of the goods by the vendee is an offence. 51 C. 796.

Intention to cause wrongful loss must be proved. Actual loss need not be incurred. 69 I. C. 631.

Retention to enforce payment of debt without dishonest intention is no offence. A. I. R. 1926 A. 298.

Sub-pledging need not be dishonest. 71 I. C. 58.

Disobedience of directions by the members by a Co-operative bank regarding repayment of loans is no criminal breach of trust. 117 I. C. 632.

Definite finding of a definite sum misappropriated is necessary for conviction. 85 I. C. 372.

Misappropriation may be intentional without being dishonest 126 I. C. 679.

If the Chairman of a municipality receives brokerage from a vendor of goods, there is no breach of trust as it was not entrusted for the municipality. 97 I.C. 64.

Entries in the books of a bank may amount to dishonest commission. 118 I. C. 650.

For entries by a Post-Master vide 25 L. W. 656. A. I. R. 1927. M. 626.

Where the entrustment is to a firm, the accused is not liable because he is a member of the firm. 128 I. C. 578.

If one partner is authorised by other partners to collect money, he is entrusted with dominion over the property and he may be liable for misappropriation of the same. 33 B. L. R. 1518.

Can one's own act of intermeddling be a misdirection. 58 C. 1051 (FB).

For distinction between cheating and breach of trust vide 131 I. C. 441 (M).

Slackness of the village munsif or lambarder in remitting money to Government is not misappropriation. 131 I. C. 910.

If a person receives certain articles for approval from a dealer and pledges the same, he is guilty of the offence of breach. 10 Mysore. L. J. 395.

Mere failure to produce a thing will not amount to the offence. 140 I. C. 78 A.

Specific sums cannot be pursued in the hands of the accused. If the accused has received money and failed to account for it, the offencc is established. 136 I. C. 810.

Where property is entrusted for sale, the sale proceeds are subject to a trust. 140 I. C. 617.

Receipt of stolen property.

SS. 410 TO 415.

The property received must be proved to be stolen. 75 I. C. 544, 118 L. W. 743.

Believing is more strong than suspecting. 118 I. C. 759 A. I. R. 1932 Lah. 434.

Suspicion is not sufficient to fix liability. A. I. R. 1928 C. 264.

Where stolen property is found in a house where several people live, nobody is liable unless his control and knowledge are established. A. I. R. 1933 All. 437.

If there is no dishonest receipt, there is no offence 122 I. C. 536.

For the wife's possession, the husband is not liable. 67 I. C. 338.

Where there is receipt at the same time of five things stolen at different times, conviction must be for one offence. A. I. R. 1932 Lah. 615.

Cheating :— Taking only a thumb impression on a piece of paper without writing anything on it is not attempting to cheat. 94 I. C. 383.

The damage that is caused or likely should be the direct, natural or probable consequence of the act induced. 51 C. 250. 52 C. 188.

Allowing race bets on credit, is not an act which causes damage to the book-maker. 74 I. C. 76.

Sending an insured cover falsely purporting to contain currency notes and causing the addressee to sign a receipt does not amount to cheating. 50 C. 849. 24 L. W. 725 A. I. R. 1927 M. 199.

Dishonest allotment of excess wagon by a clerk of a railway company does not damage the reputation of the railway company. 51 C. 250.

Receiving an advance from Government for the purchase of a car, without disclosing the fact of its having already been mortgaged to a chetti is cheating. 103 I. C. 848.

For cheating by inducing a person to accept a value payable parcel the offence is completed where money is paid. see A. I. R. 1927 M. 544.

If there is only a fraudulent, but not dishonest intention, Section 417 and not Section 420 applies. 64 I. C. 33.

Sale by substituting one thing for another is cheating. 81 I. C. 926.

Giving a cheque, knowing that it will be dishonoured is cheating. A. I. R. 1930 B. 179.

Untrue praise of goods is advertisement and not cheating. 86 I. C. 985.

Untrue recital regarding encumbrance in a mortgage deed is no cheating. 110 I. C. 332.

A Muhammadan representing himself to be an orthodox Hindu for getting service is guilty under Section 418. 81 I. C. 309. Previous conviction for theft must not be taken into account in increasing the sentence for cheating. 100 I. C. 536.

Wrong identification without knowledge of the offence to be committed is not cheating. 727 I. C. 563. 76 I. C. 700.

Members of a club are not liable for representations in a rules book handed over to the complaint by a servant of the club. 109 I. C. 905 (M).

Coercion is not cheating. 10 LL. J. 301.

Denial of receipt of payment is not cheating. 82 I. C. 479.

Introducing a cheat merely to a victim is not cheating. 102 I. C. 553 A. I. R. 1927 L. 746.

Retention of a receipt with necessary intent is cheating. 68 I. C. 621.

Giving a free pass to one not intended will amount to cheating. 88 I. C. 524.

If a pledger induces a pledgee to return the pledged articles dishonestly, he is guilty under Section 420. 17 L. W. 580. In an offence under Section 420. there must be delivery of the property induced. 32 Cr. L. J. 611, A. I. R. 1931 P. 102.

Existence of embarrassed circumstances is not proof of an intent to cheat. 56 B. 204.

The existence of a civil remedy would not exclude trial by a criminal court. 140 I. C. 97 (2).

Ownership of property should be determined under section 424. 52 A. 214.

Concealment by debtors or others is an offence if the requisite intent is proved. A. I. R. 1930 M. 670.

A village court has no power to attach immoveable property, so, removal as against its order is no offence. 58 M. L. J. 509 A. I. R. 1930. N. 509.

Dishonest harvesting is an offence. 1931 M. W.N. 1049.

Illicit removal of crops by tenants without giving notice, is an offence. 1932 M. W. N. 639.

Resistance to a process executed after the specified date is no offence. A. I. R. 1933 A 1146.

Refusing to return property is not contemplated by the section. A owed B some money. A's cattle was with B. A took some respectable men to B. The men decided that A should give Rs. 50 and B should return the cattle. B received Rs. 50 and demanded the balance of the debt due to him. A prosecuted B for cheating, it was held that B is not criminally liable. A. I. R. 1933 Rang. 215. 424 A. I. R. 1933 A. 1146.

Mischief:— If the owner of a house on a road throws cart loads of earth on the road so as to obstruct the passage, it may be a nuisance, but not mischief. A. I. R. 1930 M. 973.

Allowing goats to graze on land intended for cattle is not mischief 52 M. 151.

The word "Change" in Section 426 refers to physical change in composition or form 105 I. C. 672.

Bonafide claim is a good defence. 86 I. C. 36 A. I. R. 1932 M. 676.

Where the right to water is in dispute between landlord and tenant, and the matter is complicated, the civil court may be allowed to decide the dispute. 57 C. 897.

Under Section 430, knowledge is sufficient to create liability 139 I. C. 592.

Criminal Trespass:— SS. 441 to 445.

House breaking 445—463. An intention to eject does not include an intention to annoy. 76 I. C. 1033.

To remove a girl who ran away and was living with the complainant is no offence. 81 I. C. 35I (L).

Continuance in tenancy, though known to annoy but not intended to annoy is no offence 100 I. C. 829.

Forcible entry implies intent of annoying. 125 I. C. 612. Possession given in execution of a decree is possession for Section 447. 130 I. C. 500.

Constructive possession is not enough to sustain a conviction for criminal trespass. 47 A. 855.

Contra. Constructive possession is included. A. I. R. 1931 M. 500.

A wehra used for custody of property is building. 86 I. C, 337.

Nature of the structure and use of it are necessary to determine whether a place is a building. 121 I. C. 427.

Putting up a watershed on a vacant piece of land is not criminal. A. I. R. 1924 M. 862.

If possesion decreed by a civil court is obstructed there is criminal trespass, as the accused's act will naturally annoy. 112 I. C. 97 B.

The complainant must be in actual physical possession of the land. 110 I. C, 681.

A landlord can file a complaint in respect of land in the possession of his tenant. 69 I. C. 379.

If there is a bonafide claim of right, there is no offence. 23 L. 10426.

A court-yard not closed by a door or by walls on all sides is no building. 84 I. C. 863.

A court-room is a public place. Entry there is no offence, though it was part of the house of the presiding judge. 81 I. C. 141.

If the decree-holder enters with officers of court for executing the decree for possession, no offence is committed. A. I. R. 1930 C. 720.

An excise officer making a search, without obtaining a warrant, is not liable if he has no criminal intention. 88 I. C. 725.

Quare whether a cattle pound is a building, tent or vessel. 52 M. L. J. 143.

A private person has no right to demolish a building which is an encroachment on a portion of the road. 1933 M, W. N. 905.

Stealthily going to a woman in a house on her invitation, involves no intent to annoy. So, there is no criminal trespass. 81 I.C. 239. An absent possessor may be annoyed by trespass. Then it is criminal. 54 M. 515. Going up the roof of a house upto the ladder leading into the court-yard and retracing may be an attempt to commit house-breaking. A. I. R. 1933 Lah. 433.

Forgery :—In Section 463 the term 'claim' is wide in sense. If the date of birth is altered with a view to enable one to appear at a competitive examination the offence of forgery is committed. 118 I. C. 385 (L).

If a person forges the signature of his wife, without any wrong intention, in a suit by her for rent, it is not forgery. 126 I. C. 862 (P).

A false certificate is not a forged certificate. A.I.R. 1929 A. 396.

To support a true claim, a false document may be created and there is then the offence of forgery. 96 I. C. 850 (M).

Ante-dating is not making false document. 98 I.C. 252.

For the offence of forging a will, the date need not be entered to complete the will. 111 I. C. 435.

Knowingly attesting the signature of somebody who has not really signed is forgery. A. I. R. 1929 C. 539.

If a forged nomination paper that was put forward is withdrawn, there is no offence of cheating. 63 I. C. 414.

Filing a forged document as an annexure to a petition is sufficient production. 100 I. C. 1044.

Joining in presenting a forged document for registration entails conviction under Section 471. 52 M. 532.

Section 471 applies even when a document is used for securing an acquital. 113 I. C. 712.

Intent to cause wrongful loss and not causing actual loss need be proved. 130 I. C. 492.

The term "falsify" applies to the preparation of a new document containing false information. 98 I. C. 599.

In support of the principal charge of falsification several falsifications may be proved. 34 C. W. N. 925 A. I. R, 1931 C. 8.

Where the President of a union board made an incorrect entry in the minutes book only with a view to expedite the payment of fees to a vakil, and not dishonestly or fradulently he is not guilty under Section 467 1931 M. W. N. 361.

If a person gives a false telegram for money purporting to be from one other than himself he makes a false document under Section 464 and is liable under Section 468 A. I. R. 1931 S. 116.

A false entry in police diary, without any dishonest intent does not come under Section 465, 56 B 488.

Papers already signed by other partners may be used by the representative partner and he is not guilty of forgery in the absence of fraud. 1932 M.W.N. 117.

Under Section 471, the nature of the user is immaterial if the requisite criminal intent be proved. 59 Cr. 233.

The filing of a document in support of a plaint is user within Section 471, 140 I. C. 544 (C).

For making a false receipt, liability arises under Section 193. For using the same, one is liable under Section 471. 1932 M. W. N. 454.

Omission to specify the offence in a civil procedure is no bar to a criminal prosecution. The provisions of Section 477 A are not covered by S. 195 (1) Cr. P. C. A. I. R. 1932 S. 53.

Offences against Trade Marks.

The mark used must avoid reasonable probability of error. A. I. R. 1929 R. 322.

A body corporate can be prosecuted for using a false trade mark. A. I. R. 1929 R. 322.

Intention to defraud on the part of the accused is necessary for criminal liability 4 R. 16.

Burden of proof to the contrary is on the accused. A. I. R. 1931 C. 445; 7 R. 169.

Actual deception need not be proved. 81 I. C. 922 (C).

Selling soda water in bottles of another firm without dishonest intent is no offence A. I. R. 1928 C. 873.

In a charge for possession of an instrument for counter-feiting, all the instruments for the purpose need not be possessed. 128 I. C. 332 (C).

The period of limitation is 3 years from the occurrence of the act constituting the offence. A. I. R. 1931 M. 276.

A mis-spelling of a word does not make the word an invented one. 139 I. C. 335.

Under Section 479 C. burden of proof as to intent is on the prosecution. 129 I. C. 494. (L).

Offences against marriage.

Custom of remarriage during the first husband's life-time must be clearly proved. 96 I. C. 115 (P).

Bigamy under a bonafide mistake of law is an offence since the doctrine of mens rea has no application. 45 M. 986, 16 L. W. 626.

Every act of adultery is a distinct offence. 113 I. C. 70 A. I. R. 1929 B. 530.

In offences of marriage, a legal marriage must be clearly proved. 100 I. C. 535. (O).

The presumption of marriage may exist between people of different castes who do not intermarry. 104 I. C. 708 (R).

Under Section 498 detention of a married woman is a continuing offence 73 I. C. 524.

There is no detention, if the harbouring of another person's wife continues for 15 years unrestrained by the husband. 103 I. C. 559 (O).

A mika form of marriage is not sufficient. 126 I.C. 761 (C).

A karad marriage with an abandoned wife is good. 129 I C. 370 (A).

Marriage of a christian woman in christian form in England does not bar a Hindu form 129 I.C. 370(A).

As to marrying a Hindu woman in Hindu form the Christian wife living, vide 136 I. C. 262 (L).

The custom of a second marriage during the continuance of the first is opposed to public policy. 138 I. C. 518.

A Mahomedan woman exercising her option of puberty and contracting a second marrige is not liable for bigamy. 140 I. C. 617.

Where the previous mariage was in secrecy, the second husband is not liable for abetting bigamy. A. I. R. 1933 Lah. 164.

A Muhammadan girl exercising her option of puberty and marrying a second time with a bonafide belief in her right to do so is not guilty of bigamy. A. I. R. 1933 Lah. 88.

Since a Muhammadan marriage is dissolved on renouncing religion, taking away a Muhammadan married woman after she renounces her religion is not an offence under Section 488 A. I. R. (1933) Allah. 433

Intimidation and insult.

If a municipal commissioner threatent a butcher that if he bought a cow, he would make it impossible for him to live in the town, he is guilty under Section 503. 102 I. C. 557 (A).

Agreement to stop the sale of liquors, meat and fish in a bazaar is an agreement to commit criminal intimidation. 92 I. C. 145.

A threat of social boycott for trading in foreign cloth and threat that the body of a man when dead cannot be carried to the cremation ground, will not constitute a threat to a man's social position or reputation. A. I. R. 1931 L. 288.

The proposal by the managing committee of a society to refer to the jndgment of a general body an act done by one of its members is not illegal threat. A I. R. 1933 Sindh 196. 56 B 196.

Mere abuse, without intention or knowledge of a likely breach of peace is not insult under Section 504. Insult may be by letter. A. I R. (1930) B. 120-125; 1. C. 424.

50 B. 246. Insulting one's modesty by a letter by post is an offence under Section 509.

Public peace may be broken by words as well as deeds 99 I. C. 604.

Pulling the beard of a Muhammadan in a public street is likely to cause breach of peace. 86. I.C. 79 (A).

Actual breach of peace is not necessary 139 I. C. 120 (L).

Defamation :— Defamation of a newspaper is no offence though it may be defamation of persons responsible for its publication. 99 I. C. 347—4 R. 462.

Proof of actual words used is necessary. 51 A. 313.

Adoption of another's defamatory words is defamation. 20 L. W. 921.

Intent to harm the reputation and not actual harm is necessary. 96 I. C. 116 (B).

If a host asks a guest not to sit for dinner after inviting him, it is not defamation. 98 I. C. 606 (A).

Notice imputing dishonesty to the management of a Company is defamatory. 97 I. C. 431.

As regards publication of unfounded rumours in a newspaper. Vide 67 I. C. 609.

Calling a Muhamadan an outcast is defamatory. 25 L. W. 357 A. I. R (1927) M. 397.

In Indian law the privilege of advocates is not unqualified. 55 C. 85; 97 I. C. 354.

Presumption is in favour of the advocate, and proof of private malice is not sufficient. 50 M. 667. 139 I. C. 275; 3 R. 524.

Recourse cannot be had to English law for adding new grounds of exemption. 49 M. 728 (F B).

As regards privilege of parties vide 48 C 388 (FB).

A witness has no absolute privilege. 52 M. 432. 50 B. 162 (F B).

The police force is not an association or company. 90 I. C. 387 C.

The head of a caste may issue a temporary interdict 17 L. W. 500. 137 I. C. 499 (A) vide 139 I. C. 401.

The intellectual capacity of the accused must be taken into account. 56 C. 1013.

Mere belief is not good faith. 51 A. 313.

A complainant is not protected so much as a witness. 47 B. 15.

Controversial religious books may not be defamatory. 47 M. L. J. 664.

Criminal liability for defamation is exclusively determined by the provisions of the Penal Code and Civil liability by principles of English Common Law. 10 Mys. L. J. 421 A. I. R. (1926) A. 287. 92 I. C. 429. 141 I. C. 362; 8 R. 359. 128 I. C. 371.

For triviality, vide 115 I. C. 72 (L).

An imputation which may lead to ex-communication is defamatory. 127 I. C. 553 (C).

A newspaper enjoys no special privilege 7 L 491 99 I. C. 300.

Resolution not to associate with a certain person is not defamation. A. I. R. (1923) R. 16.

Disqualifying a person for election on the ground that he is a leper is not defaming him A. I. R. (1931) M. 487—131 I. C. 654.

A man may be said to change his views according to circumstances. (1921) M. W. N. 714.

Motive need not be proved 10 Mys. L. J. 421.

Making unfounded statements in an election manifesto regarding the opponent is defamatory 55 M. 791.

Offences against the State.

Mere presence of the accused at place of occurrence is not sufficient to prove conspiracy. 32 C. W. N. 763. Mere association of a person with persons who were parties to criminal conspiracy is not by itself a sufficient foundation for conviction of that person. 129 I. C. 619 A. I. R. (1930) C. 647.

The mere holding of communistic beliefs is not punishable per Section. A. I. R. 1933 All. 960.

A theoretical communist or a student of communism is not guilty. A conspiracy to change the form of the Local Government or Government of India is not an offence under Section S. 121 A.

Agreement itself is an overt act in conspiracy and punishable if the object be to do an unlawful act. 100 I. C. 113.

Escaping observation is no ground for inferring criminal complicity. 129 c. C. 619 V. I. R. (1930) C. 647.

Circumstantial evidence is sufficient to prove conspiracy 101 I. C. 453.

Telling untruths about misappropriation by another person is evidence of criminal conspiracy.

Criticism of the Simon Commission does not constitute an offence. 129 I. C. 700.

It is not necessary for an offence under Section 121 that an article should advocate any form of rebellion. 56 C. 1085.

The offence may be tried at the place of printing though the place of publication is different; for printing is an offence under Section 124—A. A. I. R. (1928) R. 276.

For conviction, the verbatim report of a seditious speech need not be before the Court, but the entire subject matter of the speeches should be taken into consideration. 123 I. C. 572.

Section 124—A does not contemplate existing hatred or contempt against abstraction. 57 C. 1217 (FB).

Exceeding the limit of fair comment may be an offence. 127 I. C. 137 (L).

Attributing motives to Government is seditious

124 I C. 341. Attributing gross partiality to Government 34 Bom. L. R. 1642.

Trade against Home Government doest not come under Section 124. I. C. 168.

The whole context and not a single sentence or word should be taken into consideration. A I.R. (1929) L. 817, 139 I. C. 696.

Speech advocating violence as a means of achieving Self-Government is an offence. 121 I. C. 76 (L).

In waging war, intention is the main thing. 9 R. 404 (FB).

Doctrine of compulsion does not apply to this. A. I. R. (1931) R. 235.

Publication of treasonable sketches with favourable remarks is an offence. 131 I. C. 219.

The Government in Section 124—A refers to the executive power and not to the frame work. 59 C. 1197

To say that the law has been employed by Government as a weapon of tyranny is seditious. 59 C. 1197.

To speak of Government as imperialistic is seditious if imperialism signifies reckless oppression, free exploitation etc. A. I. R. (1933) C. 140.

For the meaning of levying war see A. I. R. 1933 Rang. 116. For the meaning of imperialism under Section 124—A see A I. R. 1933 Cal. 140.

Offences against Public Tranquility.

Assembly collected for the purpose of mere maintenance of a right as opposed to its enforcement is not an unlawful assembly. 51 M. 91. 121 I. C. 159. Compounding the offence under one Section is not a bar to preclude the prosecution from going on with the charges under other Sections 46 M. 257.

The term " Violence " in Section 146 includes a case where force is used against inanimate objects 17 L. W. 535.

MARAIMALAI ADIGAL LIBRARY

In certain persons assembling after hearing a cry for help, their object may be lawful. 109 I. C. 673.

In all cases of rioting, the principal and common object should form the subject of the charge and not incidental happening 108 I. C. 421.

Persons may riot without actually committing an offence under Section 352. A. I. R. (1928) M. 12 (1).

The offence in Section 149 does not include an offence under a special Act as the Indian Railways Act. 20 L. W. 914 52 M. 882.

After the formation of an unlawful assembly, preparation towards their common object is prosecution of their object and liability arises for the offence. 53 M. 937.

Where the common object is to resist a process server, and one of the rioters caused a wound on the head of one of the opposite party, the person who inflicted the wound is guilty of it and not others. 114 I. C. 449 (N).

Where a procession did not disperse on the order of a Sub-Inspector of Police, Section 188 applies to the offence. 47—A. 205.

Wantonly giving provocation without obeying the orders of the Police is an offence under Section 153, 109 I. C. 217.

Throwing bricks at a temple, hoping that a riot would ensue, but no hurt was caused to anybody, is not an offence under Section 153 or 336. 112 I. C. 592 (A).

Free criticism does not include vile and abusive language. 49 A. 856 (FB).

Proving absence of malice is on the accused where his writing is calculated to produce hatred between two classes. A. I. R. (1930) B 177.

Resistance to execution of law is different from refusal to comply with an order. A. I. R. (1931) C. 410. M. 484.

Resistance to possession is not unlawful. 1931 M. W. N. 646.

The gist of the offence consists in the terror it causes to the public. 1931 A. L. J. 891.

If after delivery of possession by the court the decree-holder is disturbed in his possession by the judgment-debtor, the latter is guilty. 139 I.C. 585 (Pat).

The term 'Capitalist' is too vague to denote a class under Section 153-A. The word 'Class' denotes a well-defined group of His Majesty's subjects. The group must be definitely ascertainable; it should have permanence and should be sufficiently numerous to be designated a class. 34 Bom. L. R 16421

A scurrilous and vituperative attack on religion or its founder may be an offence under Section 153-A. A. I. R. (1932) Lah. 99 = 13 Lah. 152.

An attack on British Imperialism and accusing the Rulers of India of exploiting and crushing the workers and the proletariat is not an offence under Section 153-A. A. I. R. 1933. Cal. 139.

Offences against tranquility.

Congress processionists refusing to disperse when ordered to do so are an unlawful assembly A. I. R. 1933. Cal. 361,

Offence relating to Public Servants.

A person who advances money with knowledge of the purposs of the borrower is an accomplice. 114 I. C. 457.

Bribing an officer who has become functus officio is no offence. A. I. R. (1929) M. 756 = 119. I. C. 315.

Even though the bribe is not accepted, the offerer is liable. 32 L. W. 17 = 126 I. C. 603.

A village Karnam cannot be charged for taking a bribe for getting a dharkast as it was not one of his official duties. 20 L. W. 618.

Writing to a Municipal manager offering remuneration for using his influence for getting a contract is an offence though the offer was not accepted. 51 M. 86.

A process server making a false report is guilty under Section 167. 124 I. C. 320 (L).

Preventing a candidate from coming out of his house is not an offence under section 171—C. 93 I. C. 692.

If a voter has a wrong intention in voting twice, he is guilty under Section 171—D. 53 M. 444.

If after inquiry, a candidate wrongly identifies a voter, he is not liable for abetting personation. 94 I. C. 897.

If he is careless, he is liable. A.I.R. (1928) A 150

Sanction from the Local government before prosecution is essential. 47-A 268.

Where a clerk made an incorrect entry in the minutes book without intent to injure anybody, he is not liable under Section 167. 1931 M. W. N. 361.

Previous sanction of the Local Government is not necessary for taking cognisance of a complaint. 140 I. C. 711 (Nag).

If an election manifesto contains general unwarranted imputations of misconduct the offence is not under Section. 171 (a) but under Section 500 I. P. C. 55 M. 791.

A statement to the judge that the plaintiff in a case would be willing to offer a bribe does not amount to abetement of an offence under Section 161.

Of contempts of the Lawful authority of Public Servants.

Section 172 does not apply to absconding from a warrant of arrest. 50 A. 666.

Complaint under this chapter should not be by a private party. 47 M. 384.

A person who shuts the door in the face of the process server is guilty under Section 173. 107 I. C. 563 (A).

Refusal to receive is not prevention of service. 91 I. C. 460.

Disobedience to a summons under Section 147 of Land Revenue Act is not an offence under Section 174. Contra. 106 I. C. 686. 52 A. 568 (FB).

If service is delayed for no fault of accused, there is no offence. 111 I. C. 670(A). (FB).

Where the place of attendance is not definite, no offence is committed. 94 I. C. 889.

Failure to inform the authorities, on the part of the owner of the house is no offence. 53 B 184.

An accused person refusing to plead or answer questions put to him is not guilty under Section 179 —47. M. 396.

Not remembering does not mean refusal. Refusal to answer the police is not punishable. 8 R. 511. 92 I. C. 428 = 128. I. C. 833.

For a false report to the police, the police are the proper complainants. 128 I. C, 284.

Under Section 182, the information must be such that the informant believes or knows to be false. It is not enough if he has reason to believe it to be false. Without a preliminary enquiry conviction under Section 182 is illegal. 58 C. 1065.

Giving a fictitious name to the police is an offence. 113 I. C. 587.

For the distinction between Section 182 and Section 211, vide 105 I. C. 454 and 64 I. C. 839.

Refusal to work on a Panchayat and instigating others not to do so is no offence under Section 186, 47 A. 579.

Obstruction to a servant acting under the direction of a public servant is an offence 52 B 286.

If a public servant acts outside his authority obstruction is no offence 57 B 896.

Not opening the door to a public servant is not an overt act under Section 186 and so it is no offence 81 I. C. 209.

When the special Act does not prescribe any special procedure conviction under Section 188 of the general Act is legal. A. I. R. (1929) B 433.

Under Section 188.-(1) there must be disobedience of a lawful order on the part of an assembly. (2) it should tend to cause danger to human life, health or safety 58 C. 971, 111 I. C. 461—10 L 231. (3) The accused must be aware of the order of promulgation 54 C. 152.

For objects of Section 188, see 61 I. C. 237.

If a person under legal surveillance threatens the police, he is guilty under section 189, 58 C. 392.

Giving false information to the police that a buffalo is missing does not justify a conviction under Section 182, 136 I. C. 447 (Pat.)

Prosecution under Section 182 must be after dismissal of a petition 137 I. C. 849 (C).

If the letter containing false information to the police is posted at a place, jurisdiction is possessed by the court at that place 137 I. C. 333.

Resistance by a third party is no offence 139 I. C. 834 (Pat) 1932 M. W. N. 247.

Mere threats may not amount to obstuction A.I.R. (1932) Cal. 1871.

Verbal objection is not use of force 9 Rang. 601-135 I. C. 653.

Obstruction to a sanitary Inspector examining food though not an offence under the special Act, is an offence under 186 I. P. C. 59 C. 234.

When an order is with reference to one matter, disobedience which does not relate to the order is not punishable under Section 188, 1932 M. W. N. 1073.

Under Section 182 it appears an opportunity to prove the truth of the case need not be given to the accused 37 C. W. N. 368. If the accused files a petition before the court, it must be enquired into before proeeedings of Section 182, 37 C. W. N. 399. Under Section 188 knowledge of the order must be proved by the prosecution 142 I. C. 591.

Offence against Justice.

Where a person tutors another to give false evidence and takes him to a magistrate, and the witness make a false statement, he causes the existence of a circumstance and is guilty under Section 184, 109 I.C. 662.

A judicial proceeding for which evidence is prepared, need not be pending at the time of fabrication 45 B 668.

If a dying person gives a false answer, he is not punishable under Section 199 I. P. C. 129 I. C. 87.

A false statement made in the course of an administrative enquiry is not the basis of an offence under Section 293; A. I. R. (1929) A 936-120 I. C. 122.

Retraction of the false statement after the fraud has been detected is no good 120 I. C. 502.

A statement recorded by a magistrate under Section 164 C. P. C. is not 'evidencc' in a stage of judicial proceedings. 45 B 834 (FB).

Contra 140 I. C. 756 (M), 137 I. C. 131.

Material bearing of the false statement on the matter under enquiry is not necessary. A. I. R. (1929) A 936=120 I. C. 122.

If the officer who administered the oath to the witness is not competent to do so, the statement of the witness is not evidence. A. I. R. (1929) B 136 = 119 I. C. 248.

Mere contradictions are not sufficient for proceedings for perjury. A. I. R. (1929) C; 390.

A person should not be prosecuted for varying if in the course of trial, he reverts to the truth and corrects himself. 112 I. C. 468 (2). 96 I. C. 505.

A false statement in a verified written statement is false evidence. 52 A 856.

Where no verification is required by law, there is no offence under Section 193. 6 P. 184 = 102 I. C. 214.

If a false affidavit is intended to be used in court, there is the offence of fabricating false evidence, though it is not filed. 48 C 911, 106 I. C 703.

Production of a document in obedience to an order of court is not voluntary production under Section 196; 3 R 36 = 85 I. C. 253.

Prosecution under Section 199 for statements in the written statement not verified by affidavit will not stand. 49 A. 482.

Uuder the Indian law, there is no minimum number of witnesses fixed to prove perjury. 131 I. C. 594 (A) = A. I. R. (1931) A. 362.

Attestors and users of forged receipts are liable under Section 193, 1932. M. W. N. 454.

The burden of proving the contemplation of proceedings with reference to which the accused fabricated false evidence is on the prosecution. 56 B. 213.

Section 201 relates to persons other than the actual offenders. 103 I. C. 402. Contra 97 I. C.—10 P. 140.

One who helps to remove the dead body of a murdered person from a house is presumed to cause evidence to disappear, unless the contrary is proved. 47 A. 306.

For conviction under Section 201, the commission of the offence must be proved 129 I. C. 89 (cal).

The principal offender, if acquitted of the main offence can be convicted under Section 201, 54 M. 68. Intention to cause disappearance of evidence must be proved. (1931) M. W. N. 765.

For section 204, a person may secrete a document when its existence is known or unknown to others 58 C 1051 (FB).

For conviction under Section 206 and 207 a civil suit must be pending. 8 R. 268-126 I. C. 533. Section 210 will apply to a case where a person obtains an attachment for a sum not due. 53 A 416.

Under Section 209, the falsity of the claim must be clearly proved, not merely that the accused failed to prove the claim 139 I. C. 543 (Pat)

A false charge must be to a legal authority. A dying declaration before a magistrate is not such. 129 I. C. 87.

Raising suspicion against a person to the police does not come under Section 211.

Prosecution of a complainant before a magistrate when the complaint is pending is not tenable 104 I. C. 625.

For distinction between Section 182 and Section 24, vide 129 I. C. 87 ; A. I. R. (1931) M. 702.

Statements made in the course of an investigation are not ' charges ' within the meaning of Section 211.

The admission of a false telegram to the police cannot be the basis of a charge under Section 201. 1931 M. W. N. 1138.

If the false charge is made in a petition for protection, and not for setting the criminal law in motion, it does not come under Section 211; 59 C. 334, 137 I.C. 157.

For ingredients of the offence under Section 215, vide 50 A 186.

Under Section 215, loss of property must be by the commission of an offence under the Code; 11 Pat 392-139 I. C. 76.

Giving false information to protect the offender comes under Section 216, 129 I. C. 178 (L).

Conviction for the main offence is not necessary for charging a person under Section 216. 52 M. 73.

Lending a pony to remove loot is not harbouring. 83 I. C. 711 (A).

Under Section 234 the offence is complete though there is acquital on the principal offence. 190 I. C. 988 (B).

It is negligence to leave open the connecting door between two rooms through which a prisoner escapes from custody. 124 I. C. 638.

The custody of a judgment debtor with a peon is not lawful. 47 A. 409.

One who escapes from the jail, when confined there, for want of furnishing security to be of good behaviour is guilty under Section 225 B; 43 A. 185.

If the warrant does not contain the name of the person arresting it, resisting it is not an offence. 51 C. 902.

For elucidation of Section 228—see 46B 973. Publication of comments on a case pending in a court is a contempt of court. 109 I. C. 675(R).

The office of Sub-Registrar is not a civil court. 57 C. 1007.

Obstruction to an officer may be by threat. 123 I. C. 68(P).

A warrant issued by a civil court without recording reasons is not illegal and resistance thereto is an offence. 58 C. 940.

A warrant signed by one magistrate for another is legal. A. I. R. 1932 Pat. 175.

Disobeying an order of court years after it was passed does not come under section 228 I. P. C; 12 Pat. 1.

Clipping and cutting a ooin used previously as an ornament and making up the deficient weight is an offence under section 251. 48 A. 603.

Section 191 is so wide that false evidence given after dismissing an application would be sufficient to convict the witness. A. I. R. 1933. Allah. 318.

Entering a false record in a police diary cannot clearly be said to be fabricating evidence. 64 M. L. J. 466 P. C.

For a false endorsement on a promisory note filed in court prosecution needs sanction of the court under section 195 Cr. P. C; A. I. R. 1933. Mad. 413.

Removal of the corpse from a particular place does not constitute an offence under section 201 relating to concealing the evidence of murder. 37 C. W. N. 348.

If an arrested person refuses to accompany the bailiff by sitting on the ground, his action is merely passive and is not an attempt to escape. A. I. R. (1933) Lah. 128.

Nuisances.

Allowing prickly-pear to spread over public road is an offence under Section 268. 52 M. 79.

Slaughter of cattle within enclosed walls is no offence. 116 I. C. 705 (L).

Acts of omission do not come under Section 269. 81 I. C. 74(R).

Mixing pig's fat with ghee is no offence. 46 A. 91.

In a motor collision, the punishment should be deterrent if the injured person is left lying in the street. 104 I. C. 910 (O).

The owner who has not authorised nuisance is not liable. 61 I. C. 59.

If death is caused by negligence to take precautions with a machinery, liability comes under Section 287 and not under Section 304-A. 127 I. C. 153(P).

Assemblage of about 15 persons for buying tickets is not the direct consequence of sale of tickets. So, no liability comes under Section 290. 122 I. C. 481.

The annoyance caused by a public nuisance must be to several persons in the vicinity and not to a single house. 57 C. 849.

Whether letting out fresh water is a nuisance depends on circumstances 1932 M. W. N 111.

Publication of the terms of Derby Sweep is an offence. 87 I. C. 516.

Under Section 294-A the term 'goods' applies to moveable and immoveable properties. 50 M. 479.

For the scope of the offence of unauthorised lepers vide 138 I. C. 687(R) see 139 I. C. 644 (M).

For the list of obscene offences under Section 292 vide 139 I. C. 461 = A. I R. 1932 C. 651.

Under Section 295, an untouchable entering the temple and defiling the shrine is liable. 76 I. C. 299(N).

Under Section 297, trespass means doing an injurious act even on one's own land. 137 I. C. 872(C) also vide 45-A. 529

Influencing grave diggers not to dig a grave for the corpse is no offence under section 2. 65 I. C. 424.

Punishment.

When there is fine in addition to substantial imprisonment, a sentence of imprisonment is necessary, but not fine 83 I. C. 481.

Where a sentence of transportation is to be imposed for culpable homicide, the term of transportation should not exceed 10 years. 44 M. 297 P. C.

Where a person will be ruined by a fine, fine should not be imposed. 71 I. C. 998.

Where a person is sentenced for preparing for the commission of dacoity and also for assembling for the same purpose ; the sentences should be concurrent and not consecutive so also the charge for section 143 and section 341 to 349. 140 I. C. 752; 105 I. C. 828(M); 132 I. C. 475; 71 I. C. 700; 116 I. C. 523.

When several offences have been abetted, sentences may be separate. 76 I. C, 651 (C).

There may be separate sentences for kidnapping and rape. 99 I. C. 344.

A magistrate is not competent to pass consecutive sentences in respect of convictions under section 394 and 397 on the same facts 89. I. C. 390.

For the same offence there cannot be separate sentences under different sections. A. I. R. 1933. Mad 337.

For rioting and hurt there may be separate sentences. A. I. R. 1933. Mad 338.

Section 73 does not apply to convictions under other laws 102 I. C. 342 (A). 46 A. 114.

Sentences passed in separate trials cannot run concurrently 76. I. C. 21.

Under section 75 the term " punishable " means punishable by a court adminstering the Indian Penal Code. 141 I. C. 445.

Section 75 does not cover attempts. A. I. R- 933. Lah 433.

Under section 75, a conviction 18 years old cannot be a ground for enhancing the punishment. 125 I. C. 46 (s).

Previous conviction does not justify inference of habitual criminality. 94 I. C. 365.

It is improper to inflict transportation for life for pickpocketing even by a habitual offender 121 I. C. 419.

For conviction under section 326, the sentence may be enhanced if there is previous couviction, though section 75 does not apply. 111 I.C. 453.(FB) =6. R.391.

Special reasons to the contrary do not refer to the nature of the offence, but age, illness, sex, lapse of time etc. 53 M. 80.

A security order is irrelevant for section 75. 110 I. O. 804. Section 75 does not apply to section 511. 64 I. C. 142.

A sentence of imprisonment in default of fine should not run concurrently with any other sentence of imprisoment. 131 I. C. 61 135 I. C. 644; 9 Rang. 612.

There may be appropriation of sentence under section 64. 132 I. C. 475.

For conviction under section 384 and section 224, there should be one sentence. 1932. M. W. N. 547.

For conviction of offences under separate Acts, there may be separate sentences. 10. Rang.=396. 140 I. C. 302.

Explanation.

A Police Inspector employed in the Finger-print Bureau; muncipal tax collectors. (69. I. C. 445.) 75 I. C. 719. and a municipal councillor under Act III of 1901; convict warder (83. I. C. 342) A. I. R. (1932) S. 177. and a P. W. D. Lascar (48. M. 867) are all public servants. A peon authorised to execute a process is a public servant, whether he is paid or not. 14. Pat. L. T. 16.

A candidate peon, though receiving no pay is a public servant when specifically authorised to execute a warrant. A. I. R. 1933. Pat. 187. 12.=Pat. 184. A Taluk Board President is a public servant. 141. I. C. 583.

Intent to cause loss and not actual loss should be favoured under section 24. Definition of dishonesty is not exhaustive. 113. I. C. 712.

Wrongful loss and gain may be temporary. 68. I. C. 157.

For extended meaning of 'fraudulently' see A. I. R. (1926) M. 1072 = 96. I. C. 850.

For reason to believe see 121. I. C. 549. A.

Servant's possession of a pistol unknown to master, in the master's shop is not master's possession. 69. I.C. 457.

A transit pass under Forest Regulation is a valuable security; marks on trees are documents. 87. I. C. 838. 59. C. 1233.

A counterfoil of paying-in-slip of bank is a valuable security. 89. I. C. 248. (C).

Document purporting to create a right is a valuable security, though it may be invalid. 48. A. 140.

Section. 40 refers to definition of offences and not to punishment for offences. 7. R. 329. (FB).

Section. 40 applies to every act punishable. (1931) A. L. J. 956. 118. I. C. 637.

The word "illegal" is wide in meaning. 128. I. C. 141.

Section 34. Mere fact that several persons took part in a crime in the absence of a common intention is not sufficient to convict them of a crime. 142. I. C. 741, 142. I. C. 280. If there is a common intention, failure of one's act will not avoid liability. A. I. R. 1933. Lah. 313, 315.

Common intention and not common act is the test of joint responsibility under section 34. A. I. R. 1933. Allah. 528.

For extended construction of the section., see 8. R. 603.,(FB). = 130. I. C. 355, 52. C. 197. (P. C).

Section 34. does not apply to section 397, 99. I C. 49. Contra 130. I. C. 267. 68. I. C. 817.

Where a fight resolves itself into two duels, there is no joint liability. 126. I. C. 568 (L).

If the intention is common to two or three and the blow is dealt by one, all are liable for the same punishment 52. M. 147. For distinction between Section 341 and Sections 146, 149, see 113. I C. 676 = 7. P. 758

Wearing of weapons by all of the dacoits creates joint liability. 9. P. 592 = 128. I. C. 114.

Under Section 34, act includes omission. 114. I. C. 222 (P).

Under Section 34, mere membership in an assembly is not sufficient but participation in some act with common intention is necessary. A. I. R. (1931) C. 113.

Knowledge of the criminal intention does not make Section 34 applicable. A. I. R. (1933) C. 132.

In a sudden quarrel, Section 34 may not apply 131. I. C. 382.

MARAIMALAI ADIGAL LIBRARY

In a charge under Section 34, one of the party alone may be convicted, if the evidence warrants it. 58. C. 822.

A search not complying with the rules of law and without reasons for the same is not made in good faith. 10. Pat. 821=136. I. C. 60.

Offences relating to counterfeit coins.

Merely residing in a house where counterfeit coins were found is not found to justify a conviction under Section 243 of the Penal Code. 1933. M. W. M. 222.

Offences against religion.

Where some Muhammadans try to take a procession through a private road without any right and they were prevented from doing so, there is no offence under Section 296. A. I. R. (1933) Oudh. 196.

Offences against reputation.

A civil suit for defamation is not governed by Section 499 of the Penal Code; but by rules of the English law on the principles of justice, equity and good conscience. 141. I. C. 362.

A pleader is not liable for questions asked in cross-examination where there is no malice. A. I. R. (1933) Cal. 185.

A letter containing defamatory matter against the President of a Committee by way of reply to a notice was placed by the President before the members of a Committee. It was held that there was publication, because publication to the committee was not a voluntary act but an act done in the course of official routine. A. I. R. (1933) All. 210.

Printed at the Hilal Press, Tinnevelly Town.—1934.